



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

COMMISSIONER

February 24, 2000

MEMORANDUM TO: Chairman Meserve

FROM: Commissioner Dicus *Greta Joy Dicus*

SUBJECT: COMRAM-00-0001 - REQUEST FOR NAS STUDY OF NATIONAL POLICY ISSUES ON CONTROL OF SOLID MATERIALS

I agree with your proposal to request that the National Academy of Sciences (NAS) Board on Energy and Environmental Systems conduct a study and provide recommendations on the possible alternatives for release of slightly contaminated solid materials. Because NRC past experience with some NAS reports has not been as good as they could have been, I would recommend that the NRC be very specific in its grant language, including specifics for deliverables and timelines for completion. This will enable the NAS Committee responsible for this effort to better focus on the complex issues associated with release of volumetrically contaminated solids materials.

The only item that I would add to this proposal is that the NAS should review the current international experience, recommendations and regulations to date, and include this international perspective in its summary as part of its overall findings and recommendations.

cc: Commissioner Diaz
Commissioner Merrifield
Commissioner McGaffigan
EDO
OGC
OCFO
SECY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

COMMISSIONER

March 3, 2000

MEMORANDUM TO: Annette Vietti-Cook, Secretary

FROM: Nils J. Diaz 

SUBJECT: COMRAM-00-0001 - REQUEST FOR NATIONAL
ACADEMY OF SCIENCES STUDY OF NATIONAL POLICY
ISSUES ON CONTROL OF SOLID MATERIALS

Although I do not object to Chairman Meserve's proposal, the study should be conducted in parallel with our own work, and within the established schedule, so as to not detract from the Commission's ongoing initiative. The Commission made its decision on initiating the process to address control of the release of solid materials based on sound technical information that reflected the need for a national "standard." The Commission considered relevant national and international developments, including the need to deal with the increasing commerce in products containing low levels of radioactive materials. Also, given the potential increase in the number of exemption requests requiring NRC action, the Commission saw benefits in analyzing the need to codify allowable release of very low levels of radioactive materials. Recently, this issue has gained national prominence due to the large amount of material containing low levels of radioactive material being released, or considered for release, from DOE facilities. Both the Secretary of Energy and members of Congress have expressed the need to consider how best to address the issue of public health and safety in this area.

I believe that the National Academy of Sciences (NAS) could provide an additional scientific viewpoint that could enhance the Commission's deliberation. Consultation with the National Council on Radiation Protection may also be desirable. Furthermore, in light of the international experience with this type of regulatory approach, as well as the relevance of such an approach to international programs and commerce, I agree with Commissioner Dicus' comments regarding examination of international guidelines as part of the NAS review.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

COMMISSIONER

March 3, 2000

MEMORANDUM TO: Chairman Meserve

FROM: Edward McGaffigan, Jr. *Ed McGaffigan, Jr.*

SUBJECT: COMRAM-00-0001 - REQUEST FOR NAS STUDY OF NATIONAL POLICY ISSUES ON CONTROL OF SOLID MATERIALS

I generally agree with your proposal to request that the National Academy of Sciences' (NAS) Board on Energy and Environmental Systems conduct a study and provide recommendations on possible alternatives governing the release of slightly contaminated solid materials. As an alternative, NRC could provide a grant to the Congressionally-chartered National Council on Radiation Protection and Measurements (NCRP) for this work, as we are doing on a rulemaking for discrete radioactive particle dose limits (COMSECY-00-0009).

Regardless of which organization performs the work, it is my firm belief that a Commission decision to proceed with an independent study presumes that the staff continues its current level of effort to develop the technical basis for setting a standard and to draft a generic environmental impact statement for early public comment. In my opinion, NRC should proceed to fulfill its role in setting a clear release standard that adequately protects the public. Congressman Dingell, Secretary Richardson and a wide array of other stakeholders are urging us to set a standard. It might have been preferable to deal with the recycle of all radioactive material through an EPA-led effort, but as the staff informed us in spring 1998, EPA has put its efforts to develop clearance standards for radioactive material on indefinite hold. Nevertheless, it is worthwhile to keep in mind what the practice is in dealing with non-AEA radioactive material, such as coal ash, as we proceed to set a standard for AEA material. I know that the staff has been doing this and we may want the NAS or NCRP to do so as well.

I agree with Commissioner Dicus that the grant language should contain specifics with regard to deliverables and time lines for completion to better focus the study and increase its value to NRC's process. In that regard, I agree with Commissioner Dicus that the NAS (or NCRP) should consider relevant international experience and existing standards. This effort should also include a review of the European Union standard and how member States are implementing it and consider the American National Standards Institute's clearance standard N13.12, as required by the National Technology Transfer Act of 1995. In addition, I suggest that NAS or NCRP provide recommendations on dose modeling issues associated with determining an appropriate release standard and demonstrating compliance with a release

standard. As we noted in our December 17, 1999 letter response to Congressman Dingell in the Tennessee nickel recycling case, various models such as the International Atomic Energy's TECDOC-855, the European Commission's 1998 report, the EPA's 1997 Technical Support Document, and NRC's NUREG-1640, lead to somewhat different dose estimates.

cc: Commissioner Dicus
Commissioner Diaz
Commissioner Merrifield
EDO
SECY
OGC
OCFO
OIP



REQUEST REPLY BY
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

3/1/00
COMRAM-00-0001

February 14, 2000

CHAIRMAN

MEMORANDUM TO: Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Richard A. Meserve

Concur w/o comment.

SUBJECT: REQUEST FOR NATIONAL ACADEMY OF SCIENCES STUDY OF
NATIONAL POLICY ISSUES ON CONTROL OF SOLID MATERIALS

2/23/00

I propose that we request that the Board on Energy and Environmental Systems (BEES) of the National Academy of Sciences (NAS) conduct a study and provide recommendations on possible alternatives governing the release of slightly contaminated solid materials. I believe that BEES has the necessary expertise to evaluate the national and international implications of different alternatives. Furthermore, I believe that we could obtain a final report within 9 months of the initiation of the study. During this period, NRC staff could continue with the technical basis development necessary to proceed with any alternative.

I note that certain individuals met with Dr. Carl Paperiello on January 24, 2000, to discuss the views of the metals industry on the release of slightly contaminated materials. These representatives indicated that they would support the establishment of a panel of experts to evaluate possible solutions. In addition, I understand that participants at the public meetings held to discuss the issues paper on release of solid materials have suggested that an independent panel be established to study the issue. Thus, an NAS study both could illuminate the issues and perhaps narrow the controversy.

If approved, resources for this initiative should not be funded through NMSS reprogramming, but should be considered as part of FY00 mid-year review.

SECY please track.

cc: EDO
OGC
OCFO
SECY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 8, 2000

SECRETARY

MEMORANDUM TO: Chairman Meserve

FROM: Annette L. Vietti-Cook, Secretary 

SUBJECT: COMRAM-00-0001 - REQUEST FOR NATIONAL ACADEMY OF SCIENCES STUDY OF NATIONAL POLICY ISSUES ON CONTROL OF SOLID MATERIALS

This memorandum is to inform you that all Commissioners have concurred in your proposal to request that the National Academy of Sciences Board on Energy and Environmental Systems conduct a study and provide recommendations on the possible alternatives for release of slightly contaminated solid materials. The attached SRM provides staff direction on this issue.

This completes action on COMRAM-00-0001.

Attachment:
As stated

cc: Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 8, 2000

SECRETARY

MEMORANDUM TO:

William D. Travers
Executive Director for Operations

Jesse L. Funches
Chief Financial Officer

FROM:

Annette L. Vietti-Cook, Secretary

SUBJECT:

STAFF REQUIREMENTS - COMRAM-00-0001 - REQUEST FOR
NATIONAL ACADEMY OF SCIENCES STUDY OF NATIONAL
POLICY ISSUES ON CONTROL OF SOLID MATERIALS

The Commission has approved requesting the National Academy of Sciences (NAS) Board on Energy and Environmental Systems to conduct a study and provide recommendations on possible alternatives for release of slightly contaminated solid materials. The staff should be very specific in its grant language, including specifics for deliverables and timelines for completion. The final report should be completed within 9 months of the initiation of the study. The CFO should provide resources for this initiative as part of the FY00 mid-year review. The NAS should review the current international experience, recommendations and regulations to date, and include this international perspective in its summary as part of its overall findings and recommendations. This effort should also include a review of the European Union standard and how member States are implementing it and consider the American National Standards Institute's clearance standard N13.12, as required by the National Technology Transfer Act of 1995. The study group should be aware of what the practice is in dealing with non-AEA radioactive material, in considering AEA material.

The staff should, in responding to the SRM on SECY-99-214, dated September 20, 1999, provide its recommendation on integrating the NAS study into the agency's approach for proceeding to address the control of release of solid materials.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG